

U.S. Patent Application Serial No. **10/539,747**  
Response filed February 25, 2009  
Reply to OA dated December 3, 2008

**REMARKS**

Claims 1-20 are pending in this application. Claim 1 is amended herein. Upon entry of this amendment, claims 1-20 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is discussed below.

**Claims 1-20 are rejected under 35 U.S.C. §102(b) as being anticipated by Elonon '789 (US Patent 5,711,789). (Office action p. 2)**

Reconsideration of the rejection is respectfully requested in view of the clarifying amendment to claim 1.

In the Response to Remarks on page 3 of the Office action, the Examiner states: "Applicant's remark on page 8 where claim 1 requires 'the impeller being formed to slide on the inner wall of the casing' relates to an intended use of the impeller, as a physical structure for the [impeller] has not been given."

That is, the Examiner considers the recitation of claim 1 of "the other axial end of the impeller being formed to slide on the inner wall of the casing" to be an intended use and not a structural recitation. Applicant respectfully disagrees, and submit that the wording "being formed to slide" was intended as a structural limitation.

However, to overcome this issue, Applicant here proposes an amendment to claim 1 to clarify the structure of the invention, and submits that the amended wording clearly recites a structural limitation. Specifically, Applicant has amended the recitation regarding the other axial end of the impeller, as follows: "the other axial end of the impeller being ~~formed~~ positioned with clearance from the inner wall of the casing so as to slide on the inner wall of the casing." Support for this amendment may be found in the specification at page 8, last paragraph, where the specification discloses: "At the same time, the other axial end (the right end in Fig. 1) 2f of the impeller 2 is formed to slide, while keeping the least predetermined clearance, with the inner wall of the casing 1a."

This amendment clarifies the structural relationship between the other axial end 2f of the impeller 2 and the inner wall of the casing 1a, as illustrated in Fig. 1. Applicant again submits that the structure recited in claim 1 is not disclosed in Elonen '789.

In particular, as previously argued, Applicant submits that there is no portion of Elonen's pump 60 that would correspond to a discharge impeller part on an axial end of impeller 68, and with regard to the presently amended wording, argues that Elonen's pump 60 does not appear to have another axial end "positioned with clearance from the inner wall of the casing so as to slide on the inner wall of the casing."

Applicant also again submits that Elonen's separator-vacuum pump combination 64 does not meet the limitations of claim 1, in particular because impeller 100 does not appear to have any part corresponding to a discharge impeller part on the axial end of the impeller.

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Claims 1-20, as amended, are therefore not anticipated by Elonen '789.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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